REMARKS

Claims 91-94, 100-108, 110-113, and 133-146 are pending.

Claims 91 and 103 are amended. Elements relating to specific gambling games are deleted from claims 91 and 103. The language in claim 91 is also amended to clarify the claim. Support for the amendment changing "payoff" to "payout" is found, for example, on page 17, line 23 of the as filed application. Claim 107 is also amended changing "payoff" to "payout."

Claims 133-144 are new. Support for claim 133 is found, for example, page 18, lines 20-26 of the as-filed application. Dependent claims 134-144 are based on the features recited in claim 103 and the dependent claims of claim 103. No new matter has been added.

Claims 145 and 146 are new and correspond to previously cancelled claims 97 and 109, respectively.

The remaining claims are unchanged.

Claim Rejection – 35 U.S.C §103

Claims 91-94, 100, 103-108, 110, and 111 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,254,483 to Acres (Acres) in view of UK Patent Application GB 2 211 875 A by McArthur (McArthur) in further view of Japanese Patent No. JP 10-263190 A to Yasukawa (Yasukawa).

Applicants respectfully request that the Examiner withdraw the outstanding rejection in view of the amendments and the following remarks. Reconsideration is respectfully requested.

Claim 91, as amended, recites an electronic gaming unit with a controller being programmed to:

> receive the time signal from the time generator when the electronic gaming unit is operational and can allow the user to select and to play the gambling game;
>
> change a minimum bet to be inputted via the input device for the selected video gambling game in response to the time signal when the electronic gaming unit is operational and can allow the user to play the selected gambling game, thereby changing the minimum bet by the controller without requiring additional input;
>
> change a payout percentage for the electronic gaming unit in response to the time signal when the electronic gaming unit is operational and can allow the user to play the selected gambling game, thereby changing the payout percentage by the controller without requiring additional input;
>
> change a brightness of the display unit in response to the time signal when the electronic gaming unit is operational and can allow the user to play the selected gambling game, thereby changing the brightness by the controller without requiring additional input;
>
> change a theme of the selected video gambling game in response to the time signal when the electronic gaming unit is operational and can allow the

user to play the selected gambling game, thereby changing the theme by the controller without requiring additional input.

As recited in claim 91, a time signal is "indicative of a time of day."

Page 3 of the Office Action states that:

Acres discloses that the configuration workstation is programmed to monitor various gaming parameters such as the time the interconnected machines are played and that configuration parameters are implemented by downloading the data to respective EGM's or the configuration parameters are already installed (Col. 6:5-8, Col. 6:63-Col. 7:10).

Column 6, lines 5-8 of Acres states:

the configuration parameters are accessible by microprocessor 52, which when programmed with the stored configuration parameters causes EGM 12 to operate in accordance with the parameters.

Column 6, line 63 through Column 7, line 10 of Acres states:

Attention is now directed to FIG. 3 wherein indicated generally at 68 is flow chart of a computer program implementing a portion of a preferred embodiment of the present invention. Computer program 68 is implemented in software installed on configuration workstation 40 in FIG. 1. First, a criterion is established in box 70. As discussed above, the criterion may relate to the rate at which the interconnected machines are played, the time the interconnected machines are played, or the status of a player of one of the machines. Next, a first configuration parameter is implemented in box 72. As discussed above, configuration parameters are implemented by installing a PROM provided by the EGM manufacturer, by generating inputs to the EGM when placed in the configuration mode, or by downloading configuration data delivered over the network of FIG. 1 to the EGM,

Applicants respectfully disagree with the conclusion drawn on pages 3-4 of the Office Action based the above-cited portions of Acres:

For example, different bonus periods are entered into the configuration workstation and at the beginning/start of each time period a computer command (time signal) is issued and in response to the command the EGM reconfigures itself, based on parameters already stored within the EGM (obtains appropriate configuration data), to change the payback percentage or paytables of the EGM (Col. 8:1-13, see above).

In Acres, "a plurality of variables related to the play on the gaming machines are monitored" by a *configuration workstation*. (Col. 6, lines 13-15.) When a variable meets a criterion, the configuration of the gaming machine is changed in response to a computer command issued by the *configuration workstation*. (Col. 6, lines 55-62.) Claim 91, in contrast, recites changes to electronic game unit features (like Acres' parameters) under the control of a "controller" of the electronic gaming unit. While Acres represents a significant advance and broadly covers various aspects of the technology, Acres does not appear to suggest that the different features of a gaming unit are changed "in response to the time

signal," as recited in claim 91. Applicants acknowledge, and the Office Action points out, that Acres mentions briefly that an electronic gaming machine may "be operated in a stand-alone mode." (Acres, Col. 5, lines 47-48.) This simple statement, however, does not appear to suggest that all functionality recited in claim 91 is available for implementation on a stand-alone electronic gaming machine.

Furthermore, claim 91 recites allowing "the user to select and to play the gambling game." Acres does not describe selecting a gambling game.

McArthur describes a gaming machine in which its operation may "be altered according to the time at which the machine is being operated." (Abstract). McArthur describes that "the operation of the machine may be altered by switching from one discrete mode to another." The mechanism for effecting this change in operating modes is not described in McArthur, however. All that McArthur describes is that "the time is monitored and operation of the machine is altered according to the time at which the machine is being operated." (Page 9, lines 11-13.) Furthermore, McArthur does not describe that a user may select a game. Thus, McAurther does not describe changing the features of a gaming unit "in response to the time signal" or allowing the user to select the gambling game. Therefore, the Office Action fails to show that Acres and McArthur, considered alone or in combination, disclose the features recited in claim 91.

Yasukawa describes a game machine for which maintenance is not scheduled during peak hours. In Yasukawa, maintenance information for a game machine is displayed on a display. The element recited in claim 91 that Yasukawa is allegedly used to teach is deleted, however. Furthermore, Yasukawa does not describe changing the features of a gaming unit "in response to the time signal" or allowing the user to select the gambling game. Therefore, the Office Action fails to show that Acres, McArthur, and Yasukawa, considered alone or in combination, disclose the features recited in claim 91. Claim 91 is not obvious in view of Acres, McArthur, and Yasukawa. Independent claim 103 recites features similar to those recited in claim 91. Claim 103 is also not obvious in view of Acres, McArthur, and Yasukawa.

Dependent claims 92-94, 100, 104-108, 110, and 111 incorporate the features of the claims on which they ultimately depend. These dependent claims are not obvious for at least the same reasons claims 91 and 103 are not obvious.

Claims 101, 102, 112 and 113 were rejected under 35 U.S.C §103(a) as being unpatentable over Acres in view of McArthur, in further view of Yasukawa, in further view of U.S. Patent No. 6,354,943 to Miura (Miura).

Applicants respectfully request that the Examiner withdraw the outstanding rejection in view of the amendments and the following remarks. Reconsideration is respectfully requested.

Miura describes "a game system and information storage medium which can improve the operating rate of a game center and realize a more effective management therein." (Abstract). Miura describes the "allocation of games to gaming machines." (Abstract.) "The allocation of games may depend on time periods, date or a traffic line of players." (Abstract.) Miura, however, does not describe changing the features of a gaming unit "in response to the time signal" or allowing a user selected the game as recited in claim 91. Therefore, the Office Action fails to show that Acres, McArthur, Yasukawa, and Miura, considered alone or in combination, disclose the features recited in claims 101, 102, 112, and 113. Claims 101, 102, 112, and 113 are not obvious in view of Acres, McArthur, Yasukawa, and Miura.

New claim 133 recites features similar to those recited in claim 91, and is allowable for at least the same reasons. Claim 133 also recites the controller being programmed to "change a frequency of occurrence of a bonus game in response to the time signal." The "frequency of bonus games may be lowered during busy hours, allowing the gaming establishment to bring in additional revenue." (Page 18, lines 23-24). The "frequency of bonus games may be increased during the hours when the gaming establishment may not be as busy to attract more users." (Page 18, lines 25-26).

Acres describes allocating a predetermined percentage of the money played on selected machines to a bonus pool during a first bonus period. (Col. 8, lines 17-21). During a second period, money is no longer allocated to a bonus period and bonuses are not paid. (Col. 8, lines 31-35). This, however, is not the same as changing "a frequency of occurrence of a bonus game in response to the time signal."

Furthermore, McArthur, Yasukawa, and Miura describe nothing about bonus games, much less changing "a frequency of occurrence of a bonus game in response to the time signal," as recited in claim 133.

Independent claim 133 and its dependent claims are not obvious in view of Acres, McArthur, Yasukawa, and Miura for at least these additional reasons.

Conclusion

The claims are believed to be in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call the undersigned attorneys at (510) 663-1100.

Applicants do not believe that any additional fees are required to facilitate the filing of this Amendment. However, if it is determined that such fees are due, please charge such additional fees to Deposit Account No. 504480 (Order No. IGT1P492C1).

Respectfully submitted,

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